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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,225	06/02/2005	Tae-Yum Lcc	P5094/Doos	3446
41943	7590	09/19/2007		
GWIPS PETER T. KWON P.O. BOX 231630 CENTERVILLE, VA 20120			EXAMINER ERB, NATHAN	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 09/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,225

Applicant(s)

LEE, TAE-YURN

Examiner

Nathan Erb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 2 and 5 are objected to because of the following informalities:
 - a. In the second line of claim 2, please replace the word "user'ID" with --user ID--.
 - b. In the last line of claim 5, please replace the phrase "water mark" with --watermark--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horibe, U.S. Patent Application Publication No. US 2002/0069138 A1, in view of Hanks et al., U.S. Patent No. 7,058,599 B2.

As per **Claim 1**, Horibe discloses:

- in a method in which a plurality of picture images in various fields are stored in an internet homepage, and a user is connected with the homepage and logs in and receives a service of a picture image, an improved method for serving picture images (Figure 2; paragraph [0021]; since the user logging onto the service is not supported by the body of this claim, that element/limitation is not being given patentable weight);

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- a step in which an operator of a homepage determines an image-based sale rank based on the number of uses of the picture images (sale rank) during a certain period in a process that the picture images are downloaded (Figure 2; paragraph [0006]; paragraph [0021]; paragraph [0024]);

- the prices of the picture images are increased with respect to the images having a high frequency of uses by the users based on an anti-discount service method (Figure 2; paragraph [0006]; paragraph [0021]; paragraph [0024]).

Horibe fails to disclose a step in which the operator of the homepage opens the sale rank on a bulletin board or a notice section of the homepage. Hanks et al. discloses a step in which the operator of the homepage opens the sale rank on a bulletin board or a notice section of the homepage (Figure 2; column 2, line 3, through column 3, line 6; column 3, lines 46-62). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe such that it includes a step in which the operator of the homepage opens the sale rank on a bulletin board or a notice section of the homepage, as disclosed by Hanks et al. Motivation is provided by Hanks et al. in that such a display of sales performance generates customer interest in the high-selling items (Figure 2; column 1, lines 33-44; column 2, line 3, through column 3, line 6; column 3, lines 46-62).

As per **Claim 3**, Horibe further discloses wherein the prices of the picture images are increased based on the frequency of uses of the images after a certain period is passed in a process that the user downloads and uses the picture images (Figure 2; paragraph [0006]; paragraph [0021]; paragraph [0024]).

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Horibe fails to disclose prices are open on a bulletin board or a notice section of the homepage. Hanks et al. further discloses prices are open on a bulletin board or a notice section of the homepage (Figure 2; column 3, lines 47-62; column 4, lines 20-49). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 1 such that prices are open on a bulletin board or a notice section of the homepage, as disclosed by Hanks et al. Motivation is provided by Hanks et al. in that the prices are displayed so as to be communicated to potential buyers viewing the web page (Figure 2; column 3, lines 47-62; column 4, lines 20-49).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horibe in view of Hanks et al. in further view of Nuttall et al., U.S. Patent No. 7,051,004 B2, in further view of Headings et al., U.S. Patent Application Publication No. US 2002/0144283 A1.

As per **Claim 2**, Horibe further discloses wherein the user of the homepage voluntarily reports information for requesting the picture images to the operator of the homepage and then uses the downloaded picture images (Figure 2; paragraph [0003]; paragraph [0006]; paragraph [0021]; such information could be the image selected by the user for download).

Horibe and Hanks et al. fail to disclose wherein the information is a place of use, a serial number, and a user ID. Nuttall et al. discloses wherein the information is a place of use, a serial number, and a user ID (column 8; lines 15-61). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 1 such that the information is a place of use, a serial number, and a user ID, as disclosed by Nuttall et al. Motivation is provided by Nuttall et al. in that this information

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is useful for proper royalty allocation, content identification, and user identification (column 8, lines 15-61).

Horibe, Hanks et al., and Nuttall et al. fail to disclose wherein the information is a start date of use reported before the start date of the content. Headings et al. discloses wherein the information is a start date of use reported before the start date of the content (paragraphs [0049]-[0050]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 1 and as modified above in this rejection such that the information is a start date of use reported before the start date of the content, as disclosed by Headings et al. Motivation is provided by Headings et al. in that setting a particular time window for use of content allows a user to only pay usage charges for the period of time for which the content is needed (paragraphs [0049]-[0050]).

Horibe, Hanks et al, Nuttall et al., and Headings et al. fail to disclose the information communication occurring via e-mail. However, communicating via e-mail was well-known to one of ordinary skill in the art at the time of applicant's invention. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 1 and as modified above in this rejection such that information communication occurs via e-mail, as was well-known to one of ordinary skill in the art at the time of applicant's invention. Motivation is provided in that it was well-known to one of ordinary skill in the art at the time of applicant's invention that e-mail is one of the most commonly used modes of communication on the Internet.

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5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horibe in view of Hanks et al. in further view of Stone et al., U.S. Patent Application Publication No. US 2003/0046240 A1.

As per **Claim 4**, Horibe and Hanks et al. fail to disclose wherein when the user attaches a certain trademark or a recognizable symbol designated by the operator to the picture images, the user is provided with a certain benefit. Stone et al. discloses wherein when the user attaches a certain trademark or a recognizable symbol designated by the operator to the picture images, the user is provided with a certain benefit (paragraph [0005]; paragraph [0054]; paragraphs [0060]-[0061]; paragraph [0122]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 1 such that when the user attaches a certain trademark or a recognizable symbol designated by the operator to the picture images, the user is provided with a certain benefit, as disclosed by Stone et al. Motivation is provided by Stone et al. in that such an arrangement allows a content provider to receive additional money for non-watermarked content (paragraph [0005]; paragraph [0054]; paragraphs [0060]-[0061]; paragraph [0122]).

As per **Claim 5**, Horibe and Hanks et al. fail to disclose wherein said trademark or recognizable symbol is processed in such a manner that the trademark or recognizable symbol is recovered only when it is needed to check whether the picture images are legal or illegal after the trademark or recognizable symbol designated by the operator is provided to the picture images using a water mark method. Stone et al. further discloses wherein said trademark or

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recognizable symbol is processed in such a manner that the trademark or recognizable symbol is recovered only when it is needed to check whether the picture images are legal or illegal after the trademark or recognizable symbol designated by the operator is provided to the picture images using a water mark method (paragraph [0005]; paragraphs [0025]-[0027]; paragraphs [0053]-[0054]; paragraphs [0060]-[0062]). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the invention of Horibe as modified in the rejection for claim 4 such that said trademark or recognizable symbol is processed in such a manner that the trademark or recognizable symbol is recovered only when it is needed to check whether the picture images are legal or illegal after the trademark or recognizable symbol designated by the operator is provided to the picture images using a water mark method, as disclosed by Stone et al. Motivation is provided by Stone et al. in that such an invisible watermark can be used to identify misuse of content (paragraph [0005]; paragraphs [0025]-[0027]; paragraphs [0053]-[0054]; paragraphs [0060]-[0062]).

Conclusion

6. **Examiner's Note:** Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

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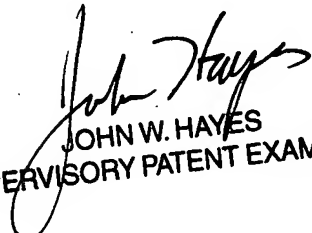
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Erb whose telephone number is (571) 272-7606. The examiner can normally be reached on Mondays through Fridays, 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Erb
Examiner
Art Unit 3628

nhe


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER